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Director's Office
Group 3700

In re Application of
KILLION, DAVID L.
Application No.: 09/489,525
Filed: January 21, 2000

DECISION ON PETITION

This is a decision on the petition filed March 5, 2003 to review the holding of abandonment, mailed October 18, 2001.

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **DISMISSED**.

The showing required to establish nonreceipt of an Office communication must include: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)II.

The instant petition does not comply with item (1) above. Practitioner did not provide a statement attesting to the fact that a search of the file jacket and docket records were made in confirming the Office communication was not received

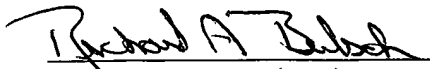
The petition fee is not required. The \$130 petition fee is being credited to deposit account no. 50-0476.

Petitioners may file a renewed petition, without fee, addressing the points raised above. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov.

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A handwritten signature in black ink, appearing to read "Richard A. Bertsch". The signature is written in a cursive style with a horizontal line underneath.

Richard A. Bertsch, Director
Technology Center 3700